

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY MAY 13, 2010

AMENDED IN ASSEMBLY APRIL 29, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2322**

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**Introduced by Assembly Members Feuer and Bass**  
**(Coauthors: Assembly Members Adams, Blumenfield, Hall, and**  
**Smyth)**  
*(Coauthor: Senator Pavley)*

February 19, 2010

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An act to amend Sections 830, 5328, 10850.1, 15610.55, 18951, and 18961.5 of, *and to add Section 18961.6 to*, the Welfare and Institutions Code, relating to public social service, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2322, as amended, Feuer. Abuse of children, elder, or dependent persons: confidentiality.

Existing law generally provides for the confidentiality of juvenile court records and records relating to the administration of public social services. However, records connected to public social services program are generally permitted to be disclosed for purposes related to the administration of those program and for other prescribed purposes.

Under existing law, counties are authorized to establish multidisciplinary personnel teams trained in the prevention, identification, or treatment of child abuse and neglect cases, or the abuse of elder or dependent persons. Existing law provides, for purposes of the disclosure of information, the activities of multidisciplinary teams

engaged in the prevention, identification, and treatment of child abuse or the abuse of elder or dependent persons are activities performed in the administration of public social services.

This bill would recast these provisions to provide that activities of multidisciplinary personnel teams engaged in the prevention, identification, management, or treatment of child abuse or neglect, or the prevention, identification, management or treatment of the abuse of an elder or dependent person, are activities performed in the administration of public social services.

Existing law provides that testimony about discussions relative to the disclosure or exchange of the information or writings during multidisciplinary personnel team meetings is not admissible in any criminal, civil, or juvenile court proceeding.

Existing law also provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families.

This bill would include in the definition of a multidisciplinary personnel team CalWORKs case managers, and social workers with experience or training in child abuse or neglect prevention, identification, management, or treatment. This bill would also include information relevant to the provision of child welfare services, as defined, as information that may be disclosed and exchanged by a multidisciplinary personnel team.

Because the California Constitution provides that a statute excluding relevant evidence in a criminal proceeding requires a  $\frac{2}{3}$  vote for passage by the Legislature, this bill requires a  $\frac{2}{3}$  vote.

Existing law permits a county to establish a computerized database system to allow provider agencies, as defined, to share specified information regarding families at risk for child abuse or neglect for the purpose of forming a multidisciplinary personnel team to prevent, identify, manage, or treat child abuse.

~~This bill would permit a county to include in the database information about the need of child welfare services, as defined, for the purposes of a multidisciplinary personnel team. This bill would permit~~ *require* the database to include information about persons living in a child's home; *and* a contact person instead of the employee assigned to the case from a provider agency; ~~and, as specified, convictions of family members or persons living in the child's home for crimes that involved a child as a victim.~~ This bill would require a county that establishes this

database system to install database system controls to monitor system use and to detect any violations of the system controls.

*This bill would in addition, with respect to the County of Los Angeles, require the database to include information about convictions of family members or persons living in the child's home for crimes that involved a child as a victim, as specified.*

*Existing law requires the information obtained pursuant to the computerized database system to be kept confidential and to be used solely for the prevention, identification, management, or treatment of child abuse, child neglect, or both.*

*This bill would permit the information to be used for the provision of child welfare services. This bill would also provide that any person knowingly and intentionally violating the above confidentiality requirements shall be subject to prescribed administrative and civil penalties.*

Existing law makes all information and records obtained in the course of providing intake assessment and services under statutes relating to services for persons with developmental disabilities and persons with mental illness confidential, and permits disclosure only under prescribed conditions, including, but not limited to, the courts as necessary to the administration of justice.

This bill would recast some, but not all, related confidentiality provisions, to provide that the above information, if relevant to the provision of child welfare services, as defined, or the investigation, prevention, identification, management, or treatment of child abuse or neglect, may be disclosed to multidisciplinary personnel teams. This bill would also recast some, but not all, related confidentiality provisions to specify that this information may not be used in a criminal or delinquency proceeding against the person who is the subject of the information, but that evidence identical to the information contained within the records is admissible if obtained by other means as permitted by law.

Existing law permits a psychotherapist, when the psychotherapist opines that a patient presents a serious danger of violence to a reasonably foreseeable victim or victims, to release mental health information or records to that person or persons, and to law enforcement agencies.

This bill would recast some, but not all, related confidentiality provisions to permit a psychotherapist to release the information or records to county child welfare agencies. ~~By~~

By imposing a higher level of service on local government, this bill would impose a state-mandated local program.

*This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Los Angeles.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 830 of the Welfare and Institutions Code  
2 is amended to read:

3 830. (a) Notwithstanding any other provision of law, members  
4 of a multidisciplinary personnel team engaged in the prevention,  
5 identification, management, or treatment of child abuse or neglect  
6 may disclose and exchange information and writings to and with  
7 one another relating to any incidents of child abuse that may also  
8 be a part of a juvenile court record or otherwise designated as  
9 confidential under state law if the member of the team having that  
10 information or writing reasonably believes it is generally relevant  
11 to the prevention, identification, management, or treatment of child  
12 abuse, or the provision of child welfare services. All discussions  
13 relative to the disclosure or exchange of any such information or  
14 writings during team meetings are confidential unless disclosure  
15 is required by law. Notwithstanding any other provision of law,  
16 testimony concerning any such discussion is not admissible in any  
17 criminal, civil, or juvenile court proceeding.

18 (b) As used in this section:

19 (1) "Child abuse" has the same meaning as defined in Section  
20 18951.

21 (2) "Multidisciplinary personnel" means a team as specified in  
22 Section 18951.

1 (3) “Child welfare services” means those services that are  
2 directed at preventing child abuse or neglect.

3 SEC. 2. Section 5328 of the Welfare and Institutions Code is  
4 amended to read:

5 5328. All information and records obtained in the course of  
6 providing services under Division 4 (commencing with Section  
7 4000), Division 4.1 (commencing with Section 4400), Division  
8 4.5 (commencing with Section 4500), Division 5 (commencing  
9 with Section 5000), Division 6 (commencing with Section 6000),  
10 or Division 7 (commencing with Section 7100), to either voluntary  
11 or involuntary recipients of services shall be confidential.  
12 Information and records obtained in the course of providing similar  
13 services to either voluntary or involuntary recipients prior to 1969  
14 shall also be confidential. Information and records shall be  
15 disclosed only in any of the following cases:

16 (a) In communications between qualified professional persons  
17 in the provision of services or appropriate referrals, or in the course  
18 of conservatorship proceedings. The consent of the patient, or his  
19 or her guardian or conservator shall be obtained before information  
20 or records may be disclosed by a professional person employed  
21 by a facility to a professional person not employed by the facility  
22 who does not have the medical or psychological responsibility for  
23 the patient’s care.

24 (b) When the patient, with the approval of the physician, licensed  
25 psychologist, social worker with a master’s degree in social work,  
26 or licensed marriage and family therapist, who is in charge of the  
27 patient, designates persons to whom information or records may  
28 be released, except that nothing in this article shall be construed  
29 to compel a physician, licensed psychologist, social worker with  
30 a master’s degree in social work, licensed marriage and family  
31 therapist, nurse, attorney, or other professional person to reveal  
32 information that has been given to him or her in confidence by  
33 members of a patient’s family. Nothing in this subdivision shall  
34 be construed to authorize a licensed marriage and family therapist  
35 to provide services or to be in charge of a patient’s care beyond  
36 his or her lawful scope of practice.

37 (c) To the extent necessary for a recipient to make a claim, or  
38 for a claim to be made on behalf of a recipient for aid, insurance,  
39 or medical assistance to which he or she may be entitled.

(d) If the recipient of services is a minor, ward, or conservatee, and his or her parent, guardian, guardian ad litem, or conservator designates, in writing, persons to whom records or information may be disclosed, except that nothing in this article shall be construed to compel a physician, licensed psychologist, social worker with a master's degree in social work, licensed marriage and family therapist, nurse, attorney, or other professional person to reveal information that has been given to him or her in confidence by members of a patient's family.

(e) For research, provided that the Director of Mental Health or the Director of Developmental Services designates by regulation, rules for the conduct of research and requires the research to be first reviewed by the appropriate institutional review board or boards. The rules shall include, but need not be limited to, the requirement that all researchers shall sign an oath of confidentiality as follows:

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Date

As a condition of doing research concerning persons who have received services from \_\_\_\_ (fill in the facility, agency or person), I, \_\_\_\_, agree to obtain the prior informed consent of such persons who have received services to the maximum degree possible as determined by the appropriate institutional review board or boards for protection of human subjects reviewing my research, and I further agree not to divulge any information obtained in the course of such research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services such that the person who received services is identifiable.

I recognize that the unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

(f) To the courts, as necessary to the administration of justice.

(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

1 (h) To the Senate Committee on Rules or the Assembly  
2 Committee on Rules for the purposes of legislative investigation  
3 authorized by the committee.

4 (i) If the recipient of services who applies for life or disability  
5 insurance designates in writing the insurer to which records or  
6 information may be disclosed.

7 (j) To the attorney for the patient in any and all proceedings  
8 upon presentation of a release of information signed by the patient,  
9 except that when the patient is unable to sign the release, the staff  
10 of the facility, upon satisfying itself of the identity of the attorney,  
11 and of the fact that the attorney does represent the interests of the  
12 patient, may release all information and records relating to the  
13 patient except that nothing in this article shall be construed to  
14 compel a physician, licensed psychologist, social worker with a  
15 master's degree in social work, licensed marriage and family  
16 therapist, nurse, attorney, or other professional person to reveal  
17 information that has been given to him or her in confidence by  
18 members of a patient's family.

19 (k) Upon written agreement by a person previously confined in  
20 or otherwise treated by a facility, the professional person in charge  
21 of the facility or his or her designee may release any information,  
22 except information that has been given in confidence by members  
23 of the person's family, requested by a probation officer charged  
24 with the evaluation of the person after his or her conviction of a  
25 crime if the professional person in charge of the facility determines  
26 that the information is relevant to the evaluation. The agreement  
27 shall only be operative until sentence is passed on the crime of  
28 which the person was convicted. The confidential information  
29 released pursuant to this subdivision shall be transmitted to the  
30 court separately from the probation report and shall not be placed  
31 in the probation report. The confidential information shall remain  
32 confidential except for purposes of sentencing. After sentencing,  
33 the confidential information shall be sealed.

34 (l) (1) Between persons who are trained and qualified to serve  
35 on multidisciplinary personnel teams pursuant to subdivision (d)  
36 of Section 18951. The information and records sought to be  
37 disclosed shall be relevant to the provision of child welfare services  
38 or the investigation, prevention, identification, management, or  
39 treatment of child abuse or neglect pursuant to Chapter 11  
40 (commencing with Section 18950) of Part 6 of Division 9.

1 Information obtained pursuant to this subdivision may not be used  
2 in any criminal or delinquency proceeding against the person who  
3 is the subject of the information. Nothing in this subdivision shall  
4 prohibit evidence identical to that contained within the records  
5 from being admissible in a criminal or delinquency proceeding, if  
6 the evidence is derived solely from means other than this  
7 subdivision, as permitted by law.

8 (2) As used in this subdivision, “child welfare services” means  
9 those services that are directed at preventing child abuse or neglect.

10 (m) To county patients’ rights advocates who have been given  
11 knowing voluntary authorization by a client or a guardian ad litem.  
12 The client or guardian ad litem, whoever entered into the  
13 agreement, may revoke the authorization at any time, either in  
14 writing or by oral declaration to an approved advocate.

15 (n) To a committee established in compliance with Section  
16 4070.

17 (o) In providing information as described in Section 7325.5.  
18 Nothing in this subdivision shall permit the release of any  
19 information other than that described in Section 7325.5.

20 (p) To the county mental health director or the director’s  
21 designee, or to a law enforcement officer, or to the person  
22 designated by a law enforcement agency, pursuant to Sections  
23 5152.1 and 5250.1.

24 (q) If the patient gives his or her consent, information  
25 specifically pertaining to the existence of genetically handicapping  
26 conditions, as defined in Section 125135 of the Health and Safety  
27 Code, may be released to qualified professional persons for  
28 purposes of genetic counseling for blood relatives upon request of  
29 the blood relative. For purposes of this subdivision, “qualified  
30 professional persons” means those persons with the qualifications  
31 necessary to carry out the genetic counseling duties under this  
32 subdivision as determined by the genetic disease unit established  
33 in the State Department of Health Services under Section 125000  
34 of the Health and Safety Code. If the patient does not respond or  
35 cannot respond to a request for permission to release information  
36 pursuant to this subdivision after reasonable attempts have been  
37 made over a two-week period to get a response, the information  
38 may be released upon request of the blood relative.

39 (r) When the patient, in the opinion of his or her psychotherapist,  
40 presents a serious danger of violence to a reasonably foreseeable



1 victim or victims, then any of the information or records specified  
2 in this section may be released to that person or persons and to  
3 law enforcement agencies and county child welfare agencies as  
4 the psychotherapist determines is needed for the protection of that  
5 person or persons. For purposes of this subdivision,  
6 “psychotherapist” means anyone so defined within Section 1010  
7 of the Evidence Code.

8 (s) (1) To the designated officer of an emergency response  
9 employee, and from that designated officer to an emergency  
10 response employee regarding possible exposure to HIV or AIDS,  
11 but only to the extent necessary to comply with provisions of the  
12 Ryan White Comprehensive AIDS Resources Emergency Act of  
13 1990 (P.L. 101-381; 42 U.S.C. Sec. 201).

14 (2) For purposes of this subdivision, “designated officer” and  
15 “emergency response employee” have the same meaning as these  
16 terms are used in the Ryan White Comprehensive AIDS Resources  
17 Emergency Act of 1990 (P.L. 101-381; 42 U.S.C. Sec. 201).

18 (3) The designated officer shall be subject to the confidentiality  
19 requirements specified in Section 120980, and may be personally  
20 liable for unauthorized release of any identifying information about  
21 the HIV results. Further, the designated officer shall inform the  
22 exposed emergency response employee that the employee is also  
23 subject to the confidentiality requirements specified in Section  
24 120980, and may be personally liable for unauthorized release of  
25 any identifying information about the HIV test results.

26 (t) (1) To a law enforcement officer who personally lodges with  
27 a facility, as defined in paragraph (2), a warrant of arrest or an  
28 abstract of such a warrant showing that the person sought is wanted  
29 for a serious felony, as defined in Section 1192.7 of the Penal  
30 Code, or a violent felony, as defined in Section 667.5 of the Penal  
31 Code. The information sought and released shall be limited to  
32 whether or not the person named in the arrest warrant is presently  
33 confined in the facility. This paragraph shall be implemented with  
34 minimum disruption to health facility operations and patients, in  
35 accordance with Section 5212. If the law enforcement officer is  
36 informed that the person named in the warrant is confined in the  
37 facility, the officer may not enter the facility to arrest the person  
38 without obtaining a valid search warrant or the permission of staff  
39 of the facility.

(2) For purposes of paragraph (1), a facility means all of the following:

(A) A state hospital, as defined in Section 4001.

(B) A general acute care hospital, as defined in subdivision (a) of Section 1250 of the Health and Safety Code, solely with regard to information pertaining to a mentally disordered person subject to this section.

(C) An acute psychiatric hospital, as defined in subdivision (b) of Section 1250 of the Health and Safety Code.

(D) A psychiatric health facility, as described in Section 1250.2 of the Health and Safety Code.

(E) A mental health rehabilitation center, as described in Section 5675.

(F) A skilled nursing facility with a special treatment program for chronically mentally disordered patients, as described in Sections 51335 and 72445 to 72475, inclusive, of Title 22 of the California Code of Regulations.

(u) Between persons who are trained and qualified to serve on multidisciplinary personnel teams pursuant to Section 15610.55, 15753.5, or 15761. The information and records sought to be disclosed shall be relevant to the prevention, identification, management, or treatment of an abused elder or dependent adult pursuant to Chapter 13 (commencing with Section 15750) of Part 3 of Division 9.

(v) The amendment of subdivision (d) enacted at the 1970 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

(w) This section shall not be limited by Section 5150.05 or 5332.

(x) (1) When an employee is served with a notice of adverse action, as defined in Section 19570 of the Government Code, the following information and records may be released:

(A) All information and records that the appointing authority relied upon in issuing the notice of adverse action.

(B) All other information and records that are relevant to the adverse action, or that would constitute relevant evidence as defined in Section 210 of the Evidence Code.

(C) The information described in subparagraphs (A) and (B) may be released only if both of the following conditions are met:

(i) The appointing authority has provided written notice to the consumer and the consumer's legal representative or, if the

1 consumer has no legal representative or if the legal representative  
2 is a state agency, to the clients' rights advocate, and the consumer,  
3 the consumer's legal representative, or the clients' rights advocate  
4 has not objected in writing to the appointing authority within five  
5 business days of receipt of the notice, or the appointing authority,  
6 upon review of the objection has determined that the circumstances  
7 on which the adverse action is based are egregious or threaten the  
8 health, safety, or life of the consumer or other consumers and  
9 without the information the adverse action could not be taken.

10 (ii) The appointing authority, the person against whom the  
11 adverse action has been taken, and the person's representative, if  
12 any, have entered into a stipulation that does all of the following:

13 (I) Prohibits the parties from disclosing or using the information  
14 or records for any purpose other than the proceedings for which  
15 the information or records were requested or provided.

16 (II) Requires the employee and the employee's legal  
17 representative to return to the appointing authority all records  
18 provided to them under this subdivision, including, but not limited  
19 to, all records and documents from any source containing  
20 confidential information protected by this section, and all copies  
21 of those records and documents, within 10 days of the date that  
22 the adverse action becomes final except for the actual records and  
23 documents or copies thereof that are no longer in the possession  
24 of the employee or the employee's legal representative because  
25 they were submitted to the administrative tribunal as a component  
26 of an appeal from the adverse action.

27 (III) Requires the parties to submit the stipulation to the  
28 administrative tribunal with jurisdiction over the adverse action  
29 at the earliest possible opportunity.

30 (2) For the purposes of this subdivision, the State Personnel  
31 Board may, prior to any appeal from adverse action being filed  
32 with it, issue a protective order, upon application by the appointing  
33 authority, for the limited purpose of prohibiting the parties from  
34 disclosing or using information or records for any purpose other  
35 than the proceeding for which the information or records were  
36 requested or provided, and to require the employee or the  
37 employee's legal representative to return to the appointing authority  
38 all records provided to them under this subdivision, including, but  
39 not limited to, all records and documents from any source  
40 containing confidential information protected by this section, and

1 all copies of those records and documents, within 10 days of the  
2 date that the adverse action becomes final, except for the actual  
3 records and documents or copies thereof that are no longer in the  
4 possession of the employee or the employee's legal representatives  
5 because they were submitted to the administrative tribunal as a  
6 component of an appeal from the adverse action.

7 (3) Individual identifiers, including, but not limited to, names,  
8 social security numbers, and hospital numbers, that are not  
9 necessary for the prosecution or defense of the adverse action,  
10 shall not be disclosed.

11 (4) All records, documents, or other materials containing  
12 confidential information protected by this section that has been  
13 submitted or otherwise disclosed to the administrative agency or  
14 other person as a component of an appeal from an adverse action  
15 shall, upon proper motion by the appointing authority to the  
16 administrative tribunal, be placed under administrative seal and  
17 shall not, thereafter, be subject to disclosure to any person or entity  
18 except upon the issuance of an order of a court of competent  
19 jurisdiction.

20 (5) For purposes of this subdivision, an adverse action becomes  
21 final when the employee fails to answer within the time specified  
22 in Section 19575 of the Government Code, or, after filing an  
23 answer, withdraws the appeal, or, upon exhaustion of the  
24 administrative appeal or of the judicial review remedies as  
25 otherwise provided by law.

26 SEC. 3. Section 10850.1 of the Welfare and Institutions Code  
27 is amended to read:

28 10850.1. (a) Notwithstanding any other provision of law, for  
29 purposes of Section 10850, the activities of a multidisciplinary  
30 personnel team engaged in the prevention, identification,  
31 management, or treatment of child abuse or neglect, or of the abuse  
32 of elder or dependent persons are activities performed in the  
33 administration of public social services, and a member of the team  
34 may disclose and exchange any information or writing that also is  
35 kept or maintained in connection with any program of public social  
36 services or otherwise designated as confidential under state law  
37 which he or she reasonably believes is relevant to the prevention,  
38 identification, management, or treatment of child abuse or neglect,  
39 or of the abuse of elder or dependent persons to other members of  
40 the team. All discussions relative to the disclosure or exchange of

1 any such information or writing during team meetings are  
2 confidential and, notwithstanding any other provision of law,  
3 testimony concerning any such discussion is not admissible in any  
4 criminal, civil, or juvenile court proceeding.

5 (b) As used in this section:

6 (1) “Child abuse” has the same meaning as defined in Section  
7 18951. As used in this section, “abuse of elder or dependent  
8 persons” has the meaning given in Section 15610.07.

9 (2) “Multidisciplinary personnel team” means a team as  
10 specified in Section 15610.55 relative to the abuse of elder or  
11 dependent persons or 18951 relative to child abuse or neglect.

12 SEC. 4. Section 15610.55 of the Welfare and Institutions Code  
13 is amended to read:

14 15610.55. (a) “Multidisciplinary personnel team” means any  
15 team of two or more persons who are trained in the prevention,  
16 identification, management, or treatment of abuse of elderly or  
17 dependent adults and who are qualified to provide a broad range  
18 of services related to abuse of elderly or dependent adults.

19 (b) A multidisciplinary personnel team may include, but need  
20 not be limited to, any of the following:

21 (1) Psychiatrists, psychologists, or other trained counseling  
22 personnel.

23 (2) Police officers or other law enforcement agents.

24 (3) Medical personnel with sufficient training to provide health  
25 services.

26 (4) Social workers with experience or training in prevention of  
27 abuse of elderly or dependent adults.

28 (5) Public guardians.

29 (6) The local long-term care ombudsman.

30 SEC. 5. Section 18951 of the Welfare and Institutions Code is  
31 amended to read:

32 18951. As used in this chapter:

33 (a) “Child” means an individual under 18 years of age.

34 (b) “Child services” means services for or on behalf of children,  
35 and includes the following:

36 (1) Protective services.

37 (2) Caretaker services.

38 (3) Day care services, including dropoff care.

39 (4) Homemaker services or family aides.

40 (5) Counseling services.

1 (c) “Adult services” means services for or on behalf of a parent  
2 of a child, which shall include, but not be limited to, the following:

3 (1) Access to voluntary placement, long or short term.

4 (2) Counseling services before and after a crisis.

5 (3) Homemaker services or family aides.

6 (d) “Multidisciplinary personnel” means any team of three or  
7 more persons who are trained in the prevention, identification,  
8 management, or treatment of child abuse or neglect cases and who  
9 are qualified to provide a broad range of services related to child  
10 abuse or neglect. The team may include, but need not be limited  
11 to, any of the following:

12 (1) Psychiatrists, psychologists, marriage and family therapists,  
13 or other trained counseling personnel.

14 (2) Police officers or other law enforcement agents.

15 (3) Medical personnel with sufficient training to provide health  
16 services.

17 (4) Social workers with experience or training in child abuse  
18 prevention, identification, management, or treatment.

19 (5) A public or private school teacher, administrative officer,  
20 supervisor of child welfare and attendance, or certificated pupil  
21 personnel employee.

22 (6) A CalWORKs case manager, whose primary responsibility  
23 is to provide cross program case planning and coordination of  
24 CalWORKs and child welfare services for those mutual cases or  
25 families that may be eligible for CalWORKs services and that,  
26 with the informed written consent of the family, receive cross  
27 program case planning and coordination.

28 (e) “Child abuse” as used in this chapter means a situation in  
29 which a child suffers from any one or more of the following:

30 (1) Serious physical injury inflicted upon the child by other than  
31 accidental means.

32 (2) Harm by reason of intentional neglect or malnutrition or  
33 sexual abuse.

34 (3) Going without necessary and basic physical care.

35 (4) Willful mental injury, negligent treatment, or maltreatment  
36 of a child under the age of 18 years by a person who is responsible  
37 for the child’s welfare under circumstances that indicate that the  
38 child’s health or welfare is harmed or threatened thereby, as  
39 determined in accordance with regulations prescribed by the  
40 Director of Social Services.

1 (5) Any condition that results in the violation of the rights or  
2 physical, mental, or moral welfare of a child or jeopardizes the  
3 child's present or future health, opportunity for normal  
4 development or capacity for independence.

5 (f) "Parent" means any person who exercises care, custody, and  
6 control of the child as established by law.

7 SEC. 6. Section 18961.5 of the Welfare and Institutions Code  
8 is amended to read:

9 18961.5. (a) Notwithstanding any other provision of law, any  
10 county may establish a computerized database system within that  
11 county to allow provider agencies, as defined in subdivision (h),  
12 to share identifying information, as specified in subdivision (c),  
13 regarding families at risk for child abuse or neglect ~~or in need of~~  
14 ~~child welfare services, for the purposes of~~ *for the purposes of*  
15 *forming* a multidisciplinary personnel team, as defined in  
16 subdivision (d) of Section 18951, for the prevention, identification,  
17 management, or treatment of child abuse, ~~or for the provision of~~  
18 ~~or neglect, or for the provision of~~ *child welfare services* to a child  
19 or child's family.

20 (b) Each county shall develop its own standards for defining  
21 "at risk" before ~~joining~~ *establishing* this system. Only information  
22 about children, the families of children, and persons living in the  
23 child's home, at risk for child abuse or neglect ~~or in need of child~~  
24 ~~welfare services~~ may be entered into a computerized database  
25 system established pursuant to this ~~section. For the purposes of~~  
26 ~~this section, "child welfare services" means those services that are~~  
27 ~~directed at preventing child abuse or neglect.~~ *section.*

28 (c) With regard to a case in which a child or family has been  
29 identified as at risk for child abuse or neglect ~~or in need of child~~  
30 ~~welfare services~~ under this section, only the following information  
31 shall be entered into the system:

32 (1) The name, address, telephone number, and date and place  
33 of birth of family members and persons living in the child's home.

34 (2) The number assigned to the case by each provider agency.

35 (3) The name and telephone number of each employee assigned  
36 to the case, or a contact person, from each provider agency.

37 (4) The date or dates of contact between each provider agency  
38 and a family member or a person living in the child's home.

39 ~~(5) Convictions of family members and persons living in the~~  
40 ~~child's home for crimes that involved a child as a victim.~~

(d) The information may only be entered into the system by, or disclosed to, provider agency employees designated by the director of each participating provider agency. Members of the multidisciplinary personnel teams shall be drawn from these designated employees, or other persons, as specified in Section 18961. The heads of provider agencies shall establish a system by which unauthorized personnel cannot access the data contained in the system.

~~(e) Information entered pursuant to paragraph (5) of subdivision (e) shall only be accessible to those entities currently entitled to obtain criminal history records. A county that establishes a computerized database system pursuant to this section shall install system controls to only allow access to the information entered pursuant to paragraph (5) of subdivision (e) to those entities currently entitled to obtain criminal history records. Nothing in this section shall preclude the information entered pursuant to paragraph (5) of subdivision (e) from being discussed in the context of a multidisciplinary personnel team, as defined by subdivision (d) of Section 18951.~~

(f) The information obtained pursuant to this section shall be kept confidential and shall be used solely for the prevention, identification, management, or treatment of child abuse, child neglect, or both, *or for the provision of child welfare services. Any person knowingly and intentionally violating this subdivision shall be subject to any administrative or civil penalties set forth in the respective statutes governing the confidentiality of the records maintained by the provider agencies.*

~~(g)~~  
(f) This section shall not supplant any duties required by the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 3 of the Penal Code).

~~(h)~~  
(g) No employee of a provider agency which serves children and their families shall be civilly or criminally liable for furnishing or sharing information as authorized by this section.

~~(i)~~  
(h) For the purposes of this section, “provider agency” means any governmental or other agency which has as one of its purposes



1 the prevention, identification, management, or treatment of child  
2 abuse or neglect. The provider agencies serving children and their  
3 families which may share information under this section shall  
4 include, but not be limited to, the following entities or service  
5 agencies:

- 6 (1) Social services.
- 7 (2) Children's services.
- 8 (3) Health services.
- 9 (4) Mental health services.
- 10 (5) Probation.
- 11 (6) Law enforcement.
- 12 (7) Schools.

13 ~~(j) Each county shall develop its own standards for determining~~  
14 ~~whether a child or family is in need of child welfare services before~~  
15 ~~joining this system. Each provider agency shall develop protocols~~  
16 ~~for how to apply the county's standards consistently.~~

17 ~~(k)~~

18 (i) A county that establishes a computerized database system  
19 pursuant to this section shall install system controls to monitor  
20 system use and to detect any violations of the system controls.

21 *SEC. 7. Section 18961.6 is added to the Welfare and Institutions*  
22 *Code, to read:*

23 18961.6. (a) *Notwithstanding subdivision (c) of Section*  
24 *18961.5, if the County of Los Angeles establishes a database*  
25 *pursuant to Section 18961.5, the database shall also include the*  
26 *convictions of family members and persons living in the child's*  
27 *home for crimes that involved a child as a victim.*

28 (b) *Information entered pursuant to subdivision (a) shall only*  
29 *be accessible to those provider agencies, as described in*  
30 *subdivision (h) of Section 18961.5, currently entitled to obtain*  
31 *criminal history records. These provider agencies shall include,*  
32 *but not be limited to, children's services, probation, and law*  
33 *enforcement. The County of Los Angeles shall install system*  
34 *controls to only allow access to the information entered pursuant*  
35 *to subdivision (a) to those provider agencies, as described in*  
36 *subdivision (h) of Section 18961.5, currently entitled to obtain*  
37 *criminal history records, including, but not limited to, children's*  
38 *services, probation, and law enforcement. Nothing in this section*  
39 *shall preclude the information entered pursuant to subdivision (a)*

1 *from being discussed in the context of a multidisciplinary team,*  
2 *as defined in subdivision (d) of Section 18951.*

3 *(c) Conviction information added to the database pursuant to*  
4 *subdivision (a) shall be removed from the database 50 years after*  
5 *the date of the conviction.*

6 *SEC. 8. The Legislature finds and declares that a special law*  
7 *is necessary and that a general law cannot be made applicable*  
8 *within the meaning of Section 16 of Article IV of the California*  
9 *Constitution because of the unique circumstances concerning the*  
10 *County of Los Angeles.*

11 ~~SEC. 7.~~

12 *SEC. 9. If the Commission on State Mandates determines that*  
13 *this act contains costs mandated by the state, reimbursement to*  
14 *local agencies and school districts for those costs shall be made*  
15 *pursuant to Part 7 (commencing with Section 17500) of Division*  
16 *4 of Title 2 of the Government Code.*

17 ~~SEC. 8.~~

18 *SEC. 10. This act is an urgency statute necessary for the*  
19 *immediate preservation of the public peace, health, or safety within*  
20 *the meaning of Article IV of the Constitution and shall go into*  
21 *immediate effect. The facts constituting the necessity are:*

22 *In order to ensure the safety of children and families by helping*  
23 *county employees better identify instances of child abuse and*  
24 *neglect, it is necessary that this act take effect immediately.*

25  
26  
27 **CORRECTIONS:**

28 **Text—Pages 15 and 17.**  
29